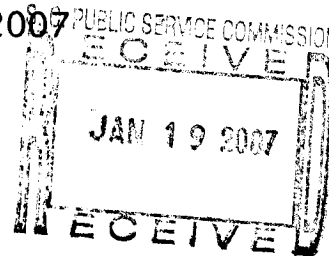


**Laura P. Valtorta**

183886

Attorney at Law

January 18, 2007  
The Hon. Daniel E. Shearouse  
Clerk of Court  
The South Carolina Supreme Court  
1231 Gervais Street  
Columbia, SC 29201



903 Calhoun Street  
Columbia, SC 29201  
(803) 771-0828  
Fax (803) 765-9261

RE: South Carolina Office of Regulatory Staff v. Carolina  
Water Service, Inc., Public Service Commission  
docket no. 2006-92-W/S

Dear Mr. Shearouse:

Enclosed for filing is a Notice of Motion and Motion to File an Amicus Curiae Brief on behalf of the Forty Love Point Homeowners Association of which I am a member. There is a Certificate of Service attached.

The original plus seven copies are enclosed. Please return the extra copy, once it is clocked in, to me in the enclosed self-addressed, stamped envelope.

I have enclosed a check for \$25 for the filing fee.

Thank you.

Sincerely,

*Laura P. Valtorta*

Laura P. Valtorta  
Forty Love Point Homeowners' Association

Cc: South Carolina Office of Regulatory Staff;  
S.C. Public Service Commission;  
Willoughby & Hoefer, attorneys for Carolina Water Service

THE STATE OF SOUTH CAROLINA  
In the SUPREME COURT

---

APPEAL FROM THE PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA

---

Docket no. 2006- 92-W/S

South Carolina Office of Regulatory Staff.....Appellant  
v.  
Carolina Water Service, Inc.....Respondent

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NOTICE OF MOTION AND MOTION TO  
FILE AN AMICUS CURIAE BRIEF

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Pursuant to Rule 213 of the South Carolina Appellate Court Rules, the Forty Love Point Homeowners' Association [hereinafter "Forty Love HOA"] moves to file an Amicus Curiae Brief in the above-captioned matter. This motion is filed by and through the undersigned Forty Love HOA Vice President, Laura P. Valtorta, Attorney at Law.

The Forty Love HOA requests time until the 30 March 2007 to file the complete Amicus Brief because our annual meeting will occur in early February 2007. Forty Love HOA wishes to attach affidavits from individual homeowners to the brief.

The reasons for this motion are as follows:

1. **PROBLEMS WITH WATER SERVICE:** Forty Love residents have long expressed dissatisfaction with the water service provided by Carolina Water Service [CWS]. We were present at the meeting before the Public Service Commission on September 7, 2006 and expressed total opposition to the rate increase requested by Carolina Water Service, based on the poor quality of the water, the problems with water pressure, new construction in our neighborhood which has allegedly resulted in a SC DHEC moratorium on taps installed by CWS, and problems with service.
2. **UNSATISFACTORY REPRESENTATION BY THE SC OFFICE OF REGULATORY STAFF:** In this appeal to the Supreme Court, the Office of

Regulatory Staff fails to represent the interests of the Forty Love HOA. We are in support of the orders put forth by the S.C. Public Service Commission on this matter. See S.C. Code 58-4-10.

a. Forty Love HOA argues that CWS needs to be held accountable for its actions, and needs to provide to the public and to the Public Service Commission information on such matters as the subdivisions serviced by CWS and the rates charged for water and sewer to each subdivision (Appellant's motion, EXHIBIT A, page 2).

b. The Commission does have the right and the obligation to rely on public testimony and public opinion in reaching its decisions (Appellant's Motion, Exhibit C, page 12). The Commission must evaluate from public testimony whether or not CWS is providing adequate water service in accordance with S.C. Code 58-5-710 et ff.

c. Forty Love HOA does need to review data regarding upgrades CWS has made to its infrastructure, particularly because we are experiencing tremendous growth in our area. (Appellant's Motion, Exhibit C).

d. Information with regard to SC DHEC violations by CWS need to be made public, particularly to customer of CWS (Appellant's Motion, EXHIBIT C, pp. 28-29).


3. INADEQUATE NOTICE OF PROPOSED RATE INCREASE

SETTLEMENT: At the public hearing on September 7, 2006, Forty Love HOA was surprised to discover that a settlement proposal had been worked out between the Office of Regulatory Staff and CWS. The proposed settlement was more than 100 pages long. No notice of this had been provided to complainants, even though ORS had notice beforehand that Forty Love HOA would testify at the hearing.

4. HOMEOWNERS WISH TO SUBMIT AFFIDAVITS WITH REGARD TO ONGOING PROBLEMS WITH CWS. We will need until the 30 March 2007 to gather these affidavits and present them attached to a more complete Amicus Curiae brief.

Respectfully submitted by,

HOME  
223 Forty Love Point Drive  
Chapin, SC 29036

  
Laura P. Valtorta, Esquire  
FORTY LOVE POINT HOA  
903 Calhoun Street  
Columbia, SC 29201  
(803) 771-0828

*Jan 18, 2007*

**Other Counsel of Record:**

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Columbia, SC 29211  
803-737-0877  
Attorneys for Appellant  
South Carolina Office of Regulatory Staff.**

**Charles L.A. Terreni, Esquire  
Chief Clerk & Administrator  
Public Service Commission of South Carolina  
101 Executive Center Drive  
Columbia, SC 29210**

THE STATE OF SOUTH CAROLINA  
In the SUPREME COURT

---

APPEAL FROM THE PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA

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Docket no. 2006- 92-W/S

South Carolina Office of Regulatory Staff.....Appellant  
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Carolina Water Service, Inc.....Respondent

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**CERTIFICATE OF SERVICE**

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This is to certify that I have one served one copy of the Notice of Motion and Motion to File Amicus Curiae Brief, by placing same in the U.S. Mail, postage prepaid, on January 18, 2007, addressed as follows:

John M.S. Hoefer, Esquire  
Benjamin P. Mustian, Esquie  
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Chief Clerk & Administrator  
Public Service Commission of South Carolina  
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January 18, 2007

HOME  
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Chapin, SC 29036

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